

1 AN ACT in relation to public employee benefits.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Pension Code is amended by
5 changing Section 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)
7 Sec. 14-110. Alternative retirement annuity.

8 (a) Any member who has withdrawn from service with not
9 less than 20 years of eligible creditable service and has
10 attained age 55, and any member who has withdrawn from
11 service with not less than 25 years of eligible creditable
12 service and has attained age 50, regardless of whether the
13 attainment of either of the specified ages occurs while the
14 member is still in service, shall be entitled to receive at
15 the option of the member, in lieu of the regular or minimum
16 retirement annuity, a retirement annuity computed as
17 follows:

18 (i) for periods of service as a noncovered
19 employee: if retirement occurs on or after January 1,
20 2001, 3% of final average compensation for each year of
21 creditable service; if retirement occurs before January
22 1, 2001, 2 1/4% of final average compensation for each of
23 the first 10 years of creditable service, 2 1/2% for each
24 year above 10 years to and including 20 years of
25 creditable service, and 2 3/4% for each year of
26 creditable service above 20 years; and

27 (ii) for periods of eligible creditable service as
28 a covered employee: if retirement occurs on or after
29 January 1, 2001, 2.5% of final average compensation for
30 each year of creditable service; if retirement occurs
31 before January 1, 2001, 1.67% of final average

1 compensation for each of the first 10 years of such
2 service, 1.90% for each of the next 10 years of such
3 service, 2.10% for each year of such service in excess of
4 20 but not exceeding 30, and 2.30% for each year in
5 excess of 30.

6 Such annuity shall be subject to a maximum of 75% of
7 final average compensation if retirement occurs before
8 January 1, 2001 or to a maximum of 80% of final average
9 compensation if retirement occurs on or after January 1,
10 2001.

11 These rates shall not be applicable to any service
12 performed by a member as a covered employee which is not
13 eligible creditable service. Service as a covered employee
14 which is not eligible creditable service shall be subject to
15 the rates and provisions of Section 14-108.

16 (b) For the purpose of this Section, "eligible
17 creditable service" means creditable service resulting from
18 service in one or more of the following positions:

- 19 (1) State policeman;
- 20 (2) fire fighter in the fire protection service of
21 a department;
- 22 (3) air pilot;
- 23 (4) special agent;
- 24 (5) investigator for the Secretary of State;
- 25 (6) conservation police officer;
- 26 (7) investigator for the Department of Revenue;
- 27 (8) security employee of the Department of Human
28 Services;
- 29 (9) Central Management Services security police
30 officer;
- 31 (10) security employee of the Department of
32 Corrections;
- 33 (11) dangerous drugs investigator;
- 34 (12) investigator for the Department of State

1 Police;

2 (13) investigator for the Office of the Attorney
3 General;

4 (14) controlled substance inspector;

5 (15) investigator for the Office of the State's
6 Attorneys Appellate Prosecutor;

7 (16) Commerce Commission police officer;

8 (17) arson investigator;

9 (18) State highway maintenance worker.

10 A person employed in one of the positions specified in
11 this subsection is entitled to eligible creditable service
12 for service credit earned under this Article while undergoing
13 the basic police training course approved by the Illinois Law
14 Enforcement Training Standards Board, if completion of that
15 training is required of persons serving in that position. For
16 the purposes of this Code, service during the required basic
17 police training course shall be deemed performance of the
18 duties of the specified position, even though the person is
19 not a sworn peace officer at the time of the training.

20 (c) For the purposes of this Section:

21 (1) The term "state policeman" includes any title
22 or position in the Department of State Police that is
23 held by an individual employed under the State Police
24 Act.

25 (2) The term "fire fighter in the fire protection
26 service of a department" includes all officers in such
27 fire protection service including fire chiefs and
28 assistant fire chiefs.

29 (3) The term "air pilot" includes any employee
30 whose official job description on file in the Department
31 of Central Management Services, or in the department by
32 which he is employed if that department is not covered by
33 the Personnel Code, states that his principal duty is the
34 operation of aircraft, and who possesses a pilot's

1 license; however, the change in this definition made by
2 this amendatory Act of 1983 shall not operate to exclude
3 any noncovered employee who was an "air pilot" for the
4 purposes of this Section on January 1, 1984.

5 (4) The term "special agent" means any person who
6 by reason of employment by the Division of Narcotic
7 Control, the Bureau of Investigation or, after July 1,
8 1977, the Division of Criminal Investigation, the
9 Division of Internal Investigation, the Division of
10 Operations, or any other Division or organizational
11 entity in the Department of State Police is vested by law
12 with duties to maintain public order, investigate
13 violations of the criminal law of this State, enforce the
14 laws of this State, make arrests and recover property.
15 The term "special agent" includes any title or position
16 in the Department of State Police that is held by an
17 individual employed under the State Police Act.

18 (5) The term "investigator for the Secretary of
19 State" means any person employed by the Office of the
20 Secretary of State and vested with such investigative
21 duties as render him ineligible for coverage under the
22 Social Security Act by reason of Sections 218(d)(5)(A),
23 218(d)(8)(D) and 218(1)(1) of that Act.

24 A person who became employed as an investigator for
25 the Secretary of State between January 1, 1967 and
26 December 31, 1975, and who has served as such until
27 attainment of age 60, either continuously or with a
28 single break in service of not more than 3 years
29 duration, which break terminated before January 1, 1976,
30 shall be entitled to have his retirement annuity
31 calculated in accordance with subsection (a),
32 notwithstanding that he has less than 20 years of credit
33 for such service.

34 (6) The term "Conservation Police Officer" means

1 any person employed by the Division of Law Enforcement of
2 the Department of Natural Resources and vested with such
3 law enforcement duties as render him ineligible for
4 coverage under the Social Security Act by reason of
5 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of
6 that Act. The term "Conservation Police Officer"
7 includes the positions of Chief Conservation Police
8 Administrator and Assistant Conservation Police
9 Administrator.

10 (7) The term "investigator for the Department of
11 Revenue" means any person employed by the Department of
12 Revenue and vested with such investigative duties as
13 render him ineligible for coverage under the Social
14 Security Act by reason of Sections 218(d)(5)(A),
15 218(d)(8)(D) and 218(1)(1) of that Act.

16 (8) The term "security employee of the Department
17 of Human Services" means any person employed by the
18 Department of Human Services who (i) is employed at the
19 Chester Mental Health Center and has daily contact with
20 the residents thereof, (ii) is employed within a security
21 unit at a facility operated by the Department and has
22 daily contact with the residents of the security unit,
23 (iii) is employed at a facility operated by the
24 Department that includes a security unit and is regularly
25 scheduled to work at least 50% of his or her working
26 hours within that security unit, or (iv) is a mental
27 health police officer. "Mental health police officer"
28 means any person employed by the Department of Human
29 Services in a position pertaining to the Department's
30 mental health and developmental disabilities functions
31 who is vested with such law enforcement duties as render
32 the person ineligible for coverage under the Social
33 Security Act by reason of Sections 218(d)(5)(A),
34 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"

1 means that portion of a facility that is devoted to the
2 care, containment, and treatment of persons committed to
3 the Department of Human Services as sexually violent
4 persons, persons unfit to stand trial, or persons not
5 guilty by reason of insanity. With respect to past
6 employment, references to the Department of Human
7 Services include its predecessor, the Department of
8 Mental Health and Developmental Disabilities.

9 The changes made to this subdivision (c)(8) by
10 Public Act 92-14 apply to persons who retire on or after
11 January 1, 2001, notwithstanding Section 1-103.1.

12 (9) "Central Management Services security police
13 officer" means any person employed by the Department of
14 Central Management Services who is vested with such law
15 enforcement duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

18 (10) The term "security employee of the Department
19 of Corrections" means any employee of the Department of
20 Corrections or the former Department of Personnel, and
21 any member or employee of the Prisoner Review Board, who
22 has daily contact with inmates by working within a
23 correctional facility or who is a parole officer or an
24 employee who has direct contact with committed persons in
25 the performance of his or her job duties.

26 (11) The term "dangerous drugs investigator" means
27 any person who is employed as such by the Department of
28 Human Services.

29 (12) The term "investigator for the Department of
30 State Police" means a person employed by the Department
31 of State Police who is vested under Section 4 of the
32 Narcotic Control Division Abolition Act with such law
33 enforcement powers as render him ineligible for coverage
34 under the Social Security Act by reason of Sections

1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

2 (13) "Investigator for the Office of the Attorney
3 General" means any person who is employed as such by the
4 Office of the Attorney General and is vested with such
5 investigative duties as render him ineligible for
6 coverage under the Social Security Act by reason of
7 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
8 Act. For the period before January 1, 1989, the term
9 includes all persons who were employed as investigators
10 by the Office of the Attorney General, without regard to
11 social security status.

12 (14) "Controlled substance inspector" means any
13 person who is employed as such by the Department of
14 Professional Regulation and is vested with such law
15 enforcement duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.
18 The term "controlled substance inspector" includes the
19 Program Executive of Enforcement and the Assistant
20 Program Executive of Enforcement.

21 (15) The term "investigator for the Office of the
22 State's Attorneys Appellate Prosecutor" means a person
23 employed in that capacity on a full time basis under the
24 authority of Section 7.06 of the State's Attorneys
25 Appellate Prosecutor's Act.

26 (16) "Commerce Commission police officer" means any
27 person employed by the Illinois Commerce Commission who
28 is vested with such law enforcement duties as render him
29 ineligible for coverage under the Social Security Act by
30 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
31 218(1)(1) of that Act.

32 (17) "Arson investigator" means any person who is
33 employed as such by the Office of the State Fire Marshal
34 and is vested with such law enforcement duties as render

1 the person ineligible for coverage under the Social
2 Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D), and 218(l)(1) of that Act. A person who
4 was employed as an arson investigator on January 1, 1995
5 and is no longer in service but not yet receiving a
6 retirement annuity may convert his or her creditable
7 service for employment as an arson investigator into
8 eligible creditable service by paying to the System the
9 difference between the employee contributions actually
10 paid for that service and the amounts that would have
11 been contributed if the applicant were contributing at
12 the rate applicable to persons with the same social
13 security status earning eligible creditable service on
14 the date of application.

15 (18) The term "State highway maintenance worker"
16 means a person who is either of the following:

17 (i) A person employed on a full-time basis by
18 the Illinois Department of Transportation in the
19 position of highway maintainer, highway maintenance
20 lead worker, highway maintenance lead/lead worker,
21 heavy construction equipment operator, power shovel
22 operator, or bridge mechanic; and whose principal
23 responsibility is to perform, on the roadway, the
24 actual maintenance necessary to keep the highways
25 that form a part of the State highway system in
26 serviceable condition for vehicular traffic.

27 (ii) A person employed on a full-time basis by
28 the Illinois State Toll Highway Authority in the
29 position of equipment operator/laborer H-4,
30 equipment operator/laborer H-6, welder H-4,
31 welder H-6, mechanical/electrical H-4,
32 mechanical/electrical H-6, water/sewer H-4,
33 water/sewer H-6, sign maker/hanger H-4, sign
34 maker/hanger H-6, roadway lighting H-4, roadway

1 lighting H-6, structural H-4, structural H-6,
2 painter H-4, or painter H-6; and whose principal
3 responsibility is to perform, on the roadway, the
4 actual maintenance necessary to keep the Authority's
5 tollways in serviceable condition for vehicular
6 traffic.

7 (d) A security employee of the Department of
8 Corrections, and a security employee of the Department of
9 Human Services who is not a mental health police officer,
10 shall not be eligible for the alternative retirement annuity
11 provided by this Section unless he or she meets the following
12 minimum age and service requirements at the time of
13 retirement:

14 (i) 25 years of eligible creditable service and age
15 55; or

16 (ii) beginning January 1, 1987, 25 years of
17 eligible creditable service and age 54, or 24 years of
18 eligible creditable service and age 55; or

19 (iii) beginning January 1, 1988, 25 years of
20 eligible creditable service and age 53, or 23 years of
21 eligible creditable service and age 55; or

22 (iv) beginning January 1, 1989, 25 years of
23 eligible creditable service and age 52, or 22 years of
24 eligible creditable service and age 55; or

25 (v) beginning January 1, 1990, 25 years of eligible
26 creditable service and age 51, or 21 years of eligible
27 creditable service and age 55; or

28 (vi) beginning January 1, 1991, 25 years of
29 eligible creditable service and age 50, or 20 years of
30 eligible creditable service and age 55.

31 Persons who have service credit under Article 16 of this
32 Code for service as a security employee of the Department of
33 Corrections or the Department of Human Services in a position
34 requiring certification as a teacher may count such service

1 toward establishing their eligibility under the service
2 requirements of this Section; but such service may be used
3 only for establishing such eligibility, and not for the
4 purpose of increasing or calculating any benefit.

5 (e) If a member enters military service while working in
6 a position in which eligible creditable service may be
7 earned, and returns to State service in the same or another
8 such position, and fulfills in all other respects the
9 conditions prescribed in this Article for credit for military
10 service, such military service shall be credited as eligible
11 creditable service for the purposes of the retirement annuity
12 prescribed in this Section.

13 (f) For purposes of calculating retirement annuities
14 under this Section, periods of service rendered after
15 December 31, 1968 and before October 1, 1975 as a covered
16 employee in the position of special agent, conservation
17 police officer, mental health police officer, or investigator
18 for the Secretary of State, shall be deemed to have been
19 service as a noncovered employee, provided that the employee
20 pays to the System prior to retirement an amount equal to (1)
21 the difference between the employee contributions that would
22 have been required for such service as a noncovered employee,
23 and the amount of employee contributions actually paid, plus
24 (2) if payment is made after July 31, 1987, regular interest
25 on the amount specified in item (1) from the date of service
26 to the date of payment.

27 For purposes of calculating retirement annuities under
28 this Section, periods of service rendered after December 31,
29 1968 and before January 1, 1982 as a covered employee in the
30 position of investigator for the Department of Revenue shall
31 be deemed to have been service as a noncovered employee,
32 provided that the employee pays to the System prior to
33 retirement an amount equal to (1) the difference between the
34 employee contributions that would have been required for such

1 service as a noncovered employee, and the amount of employee
2 contributions actually paid, plus (2) if payment is made
3 after January 1, 1990, regular interest on the amount
4 specified in item (1) from the date of service to the date of
5 payment.

6 For purposes of calculating retirement annuities under
7 this Section, periods of service rendered as a covered
8 employee of the Office of the State Fire Marshal in the
9 position of arson investigator shall be deemed to have been
10 service as a noncovered employee, provided that the employee
11 pays to the System prior to retirement an amount equal to (1)
12 the difference between the employee contributions that would
13 have been required for such service as a noncovered employee
14 and the amount of employee contributions actually paid, plus
15 (2) if payment is made after January 1, 2004, regular
16 interest on the amount specified in item (1) from the date of
17 service to the date of payment.

18 (g) A State policeman may elect, not later than January
19 1, 1990, to establish eligible creditable service for up to
20 10 years of his service as a policeman under Article 3, by
21 filing a written election with the Board, accompanied by
22 payment of an amount to be determined by the Board, equal to
23 (i) the difference between the amount of employee and
24 employer contributions transferred to the System under
25 Section 3-110.5, and the amounts that would have been
26 contributed had such contributions been made at the rates
27 applicable to State policemen, plus (ii) interest thereon at
28 the effective rate for each year, compounded annually, from
29 the date of service to the date of payment.

30 Subject to the limitation in subsection (i), a State
31 policeman may elect, not later than July 1, 1993, to
32 establish eligible creditable service for up to 10 years of
33 his service as a member of the County Police Department under
34 Article 9, by filing a written election with the Board,

1 accompanied by payment of an amount to be determined by the
2 Board, equal to (i) the difference between the amount of
3 employee and employer contributions transferred to the System
4 under Section 9-121.10 and the amounts that would have been
5 contributed had those contributions been made at the rates
6 applicable to State policemen, plus (ii) interest thereon at
7 the effective rate for each year, compounded annually, from
8 the date of service to the date of payment.

9 (h) Subject to the limitation in subsection (i), a State
10 policeman or investigator for the Secretary of State may
11 elect to establish eligible creditable service for up to 12
12 years of his service as a policeman under Article 5, by
13 filing a written election with the Board on or before January
14 31, 1992, and paying to the System by January 31, 1994 an
15 amount to be determined by the Board, equal to (i) the
16 difference between the amount of employee and employer
17 contributions transferred to the System under Section 5-236,
18 and the amounts that would have been contributed had such
19 contributions been made at the rates applicable to State
20 policemen, plus (ii) interest thereon at the effective rate
21 for each year, compounded annually, from the date of service
22 to the date of payment.

23 Subject to the limitation in subsection (i), a State
24 policeman, conservation police officer, or investigator for
25 the Secretary of State may elect to establish eligible
26 creditable service for up to 10 years of service as a
27 sheriff's law enforcement employee under Article 7, by filing
28 a written election with the Board on or before January 31,
29 1993, and paying to the System by January 31, 1994 an amount
30 to be determined by the Board, equal to (i) the difference
31 between the amount of employee and employer contributions
32 transferred to the System under Section 7-139.7, and the
33 amounts that would have been contributed had such
34 contributions been made at the rates applicable to State

1 policemen, plus (ii) interest thereon at the effective rate
2 for each year, compounded annually, from the date of service
3 to the date of payment.

4 (i) The total amount of eligible creditable service
5 established by any person under subsections (g), (h), (j),
6 (k), and (l) of this Section shall not exceed 12 years.

7 (j) Subject to the limitation in subsection (i), an
8 investigator for the Office of the State's Attorneys
9 Appellate Prosecutor or a controlled substance inspector may
10 elect to establish eligible creditable service for up to 10
11 years of his service as a policeman under Article 3 or a
12 sheriff's law enforcement employee under Article 7, by filing
13 a written election with the Board, accompanied by payment of
14 an amount to be determined by the Board, equal to (1) the
15 difference between the amount of employee and employer
16 contributions transferred to the System under Section 3-110.6
17 or 7-139.8, and the amounts that would have been contributed
18 had such contributions been made at the rates applicable to
19 State policemen, plus (2) interest thereon at the effective
20 rate for each year, compounded annually, from the date of
21 service to the date of payment.

22 (k) Subject to the limitation in subsection (i) of this
23 Section, an alternative formula employee may elect to
24 establish eligible creditable service for periods spent as a
25 full-time law enforcement officer or full-time corrections
26 officer employed by the federal government or by a state or
27 local government located outside of Illinois, for which
28 credit is not held in any other public employee pension fund
29 or retirement system. To obtain this credit, the applicant
30 must file a written application with the Board by March 31,
31 1998, accompanied by evidence of eligibility acceptable to
32 the Board and payment of an amount to be determined by the
33 Board, equal to (1) employee contributions for the credit
34 being established, based upon the applicant's salary on the

1 first day as an alternative formula employee after the
2 employment for which credit is being established and the
3 rates then applicable to alternative formula employees, plus
4 (2) an amount determined by the Board to be the employer's
5 normal cost of the benefits accrued for the credit being
6 established, plus (3) regular interest on the amounts in
7 items (1) and (2) from the first day as an alternative
8 formula employee after the employment for which credit is
9 being established to the date of payment.

10 (1) Subject to the limitation in subsection (i), a
11 security employee of the Department of Corrections may elect,
12 not later than July 1, 1998, to establish eligible creditable
13 service for up to 10 years of his or her service as a
14 policeman under Article 3, by filing a written election with
15 the Board, accompanied by payment of an amount to be
16 determined by the Board, equal to (i) the difference between
17 the amount of employee and employer contributions transferred
18 to the System under Section 3-110.5, and the amounts that
19 would have been contributed had such contributions been made
20 at the rates applicable to security employees of the
21 Department of Corrections, plus (ii) interest thereon at the
22 effective rate for each year, compounded annually, from the
23 date of service to the date of payment.

24 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;
25 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff.
26 7-11-02.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.